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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,874	06/29/2001	Hideki Kobayashi	210679US2SRD	9679

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

SHARON, AYAL I

ART UNIT PAPER NUMBER

2123

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/893,874

Examiner

Ayal I. Sharon

Applicant(s)

KOBAYASHI ET AL.

Art Unit

2123

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS's filed on 2/206 and 2/7/06.
2. ☒ The allowed claim(s) is/are 21 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/2/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An Examiner's Amendment to the record appears below.
2. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview on 2/23/06 with Applicant's Representative, Mr. Nikolaus Schibli, Reg. No. 56,994.
4. **Claims 20 and 31 are hereby cancelled.**

### **SUPPLEMENTAL REASONS FOR ALLOWANCE**

5. The following is a supplemental examiner's statement of reasons for allowance.
6. Claim 21 and 32 are allowed.
7. The closest prior art that was found by the Examiner is:
  - a. Zhou, Mengchu et al., "Evaluation of Environmentally Conscious Product Designs". 1998 IEEE Int'l Conf. on Systems, Man, and Cybernetics. Oct. 1998. vol.4, pp.4057-4061. (Henceforth referred to as "**Zhou**").
  - b. Anderi, R. et al. "Design for Environment - A Computer-Based Cooperative Method to Consider the Entire Life Cycle." Proc. EcoDesign

'99: 1<sup>st</sup> Int'l Symposium on Environmentally Conscious Design and Inverse Manuf. Feb. 1999. pp.380-385. (Henceforth referred to as "**Anderi**").

c. U.S. Patent 5,852,560 to Takeyama et al. Filed 5/30/1997. (Henceforth referred to as "**Takeyama**").

8. As stated in the previous Reasons for Allowance, neither Zhou, nor Anderi, nor Takeyama, expressly teach the formulas claimed in claims 21 and 32. In particular, neither Zhou, nor Anderi, nor Takeyama expressly teach the use of "triangular distribution" of claims 21 and 32. (Claim 32 is a computer program claims that recites limitations equivalent to the limitations recited in method Claim 21.)
9. The Applicant's supplemental IDS, which was submitted after the mailing of the previous reasons for allowance, presented the Senjyu reference and JPO office action. This art is relevant to the broader claims 20 and 31 and to the Takeyama reference.
10. These new references created the need for further consideration of the broader claims 20 and 31.
11. For the sake of compact prosecution, Applicant's Representative agreed to cancel the broader claims in the instant applications.
12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a bi-week, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749.

Any response to this office action should be faxed to (571) 273- 8300, or mailed to:


USPTO  
P.O. Box 1450  
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or hand carried to:

USPTO  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon  
Art Unit 2123  
March 1, 2006

  
Paul L. Rodriguez 3/1/02  
Primary Examiner  
Art Unit 2125